IN RE: PETITION FOR VARIANCE

E/S York Road, 59.96' N of

Gibbons Avenue (9805 York Road) 8th Election District 4th Council District

Mimi Roeder Vaughan Petitioner

- BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 02-268-A

at at at at at

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Mimi Roeder Vaughan. The Petitioner seeks relief from Section 232.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 6 feet in lieu of the minimum required 20 feet for a proposed building addition. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Mimi Roeder Vaughan, property owner, and Bruce E. Doak, on behalf of Gerhold, Cross & Etzel, the consultants who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the east side of York Road, just north of its intersection with Gibbons Avenue in Timonium. The property contains a gross area of 0.275 acres, more or less, zoned B.L.-C.C.C. and is improved with a 1½ story building on the front portion of the site and a 1-story building to the rear of the property, which are attached by way of a covered passageway. Collectively, the buildings are used in connection with a travel agency operated by the Petitioner. Photographs of the site show that the property is well-maintained and includes a macadam paved parking lot.

ORDER RECHVED FOR TRING Date 3/102 By

ORDER RECAIVED FOR FILING
Date 3 24 12
By

The Petitioner proposes a one-story addition to the rear building, 27' x 37.5' in dimension. The proposed addition will be the same depth as the existing building so that a uniform structure will result. In that the existing building is located 6 feet from the rear property line, the requested variance is necessary in order to proceed. Although the rear building will be larger than the front building, a consistent setback will be maintained from adjacent properties. It is also to be noted that the site is located along the commercial corridor of York Road. Thus, the existing and proposed improvements are consistent with development in that area.

A Zoning Advisory Committee (ZAC) comment was received from the Office of Planning indicating their support of the variance; however, requesting certain landscaping along the rear property line. Although some landscaping and buffering is appropriate, substantial planting is not required for two reasons. First, there is an existing fence along the rear of the property which already serves to buffer the site. Secondly, the Petitioner owns the most affected property to the rear of the subject lot. That lot, known as 9804 Monroe Street, is owned and leased by Ms. Vaughan for residential purposes. Since both lots are owned by Ms. Vaughan, it seems most appropriate to offer some discretion to this property owner as to the nature of the landscaping required between these two lots. Therefore, I will not require a landscape plan be submitted or strict compliance with the Landscape Manual.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2004 day of March, 2002 that the Petition for Variance seeking relief from Section 232.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 6 feet in lieu of the minimum required 20 feet for a proposed building addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and

this Order is reversed, the relief granted herein shall be rescinded.

2) Pursuant to the ZAC comment submitted by the Office of Planning, some modest landscaping shall be installed along the rear property line; however, a landscape plan will not be required nor strict compliance with the Landscape Manual.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

March 27, 2002

Ms. Mimi Roeder Vaughan 1807 Thorton Ridge Road Baltimore, Md. 21030

RE: PETITION FOR VARIANCE

E/S York Road, 59.96' N of Gibbons Avenue

(9805 York Road)

8th Election District – 4th Council District

Mimi Roeder Vaughan - Petitioner

Case No. 02-268-A

Dear Ms. Vaughan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

Mr. Bruce E. Doak, Gerhold, Cross & Etzel cc: 320 E. Towsontown Blvd., #100, Towson, Md. 21286 Office of Planning; People's Counsel; Case/File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at __9805 York Road _______ which is presently zoned __BL_CCC

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

232.3.B. to allow a rear yard setback of 6 feet, more or less, in lieu of the required 20 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be discusses at the hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Address Telephone No. Name - Type or Print Mini Torcler Vaughan Name - Type or Print Signature 1807 Thorton Ridge Road 667-6090 Address Telephone No. Name - Type or Print City State Zip Coc Representative to be Contacted: Brian Dietz Gerhold, Cross & Etzel, Ltd. Name 410 320 Fast Towsontown Blvd #100 823-4470				perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.			
Name - Type or Print Signature Signature Name - Type or Print Signature Name - Type or Print Name - Type	Contract Purchas	ser/Lessee:		Legal Owner(s):			
Signature Address Telephone No. Attorney For Petitioner: Name - Type or Print Signature Address Telephone No. Name - Type or Print 1807 Thorton Ridge Road 667-6090 Address Representative to be Contacted: Brian Dietz Gerhold, Cross & Etzel, Ltd. Name - Type or Print Signature Address Telephone No. Address Telephone No. Address Telephone No. Address Telephone No. Towson, MD 21286 City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Reviewed By JRF Date 12/21/0.	Name - Type or Print						
Signature Address Telephone No. Name - Type or Print Representative to be Contacted: Brian Dietz Gerhold, Cross & Etzel, Ltd. Name - Type or Print Signature Paltimore, MD 21030 City Representative to be Contacted: Brian Dietz Gerhold, Cross & Etzel, Ltd. Name - 410 320 East Towsontown Blyd #100 823-4470 Address Towson, MD 21286 City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Reviewed By JRF Date 12424(0)	Haine - Type of Fillic						
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Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

December 20, 2001

ZONING DESCRIPTION VAUGHAN ET.AL. PROPERTY 8th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND 9805 YORK ROAD

Beginning for the same on the easternmost right of way line of York Road 80 feet wide as shown on State Roads Commission Plat No. 42202 at the intersection of the division line between Lot 15 and Lot 16, Section BB, Plat No. 2, Timonium Heights and recorded among the Land Records of Baltimore County in Plat Book No. 7 folio 15 said beginning point being distant 59.96 feet northerly along said right of way of York Road from the northernmost right of way line of Gibbons Boulevard as shown on the aforesaid State Roads Plat, thence running and binding on the said easternmost side of York Road, and referring the merdian of this description to the meridian as shown on the aforesaid Plat of Timonium Heights, (1) North 12 degree 31 minutes 00 seconds West 100.00 feet, thence leaving York Road and binding on the land of the herein petitioner, (2) North 77 degrees 29 minutes 00 seconds East 119.94 feet to the center of a 12 foot wide alley, thence binding on the center of said alley, (3) South 12 degrees 31 minutes 00 seconds East 100.00 feet, thence leaving said alley, (4) South 77 degrees 29 minutes 00 seconds West 119.94 feet to the place of beginning.

Containing 0.275 of an Acre of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the proposes of conveyance.

Sran Dug

#268

Ne Zoning Commissioner
Baltimore County, by
Bartimore County, by
Bregulations, of Battire, County will hold a
bit, hearing in Towson,
Chand on the property
infiliate herein as follows:

E. FUZ-268-A

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Sof Not Gibbons Avenue

Floction District

Councilmanic District

Januaric District

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WARENCE E SCHMIDT and Commissioner for thinde County OTES. (1) Hearings are indicaped Accessible, for exist accommodations take Contact the Zoning windssioner's Office at 10) 867-4366.

2. For information commissioner's Office at 10) 867-4366.

2. For information commissioner's Office at 10) 867-4366.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., successive weeks, the first publication appearing once in each of

The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter ☐ North County News WILLIAM

LEGAL ADVERTISING

RE	Case No 02-268-A
	Petitioner/Developer: ROEDEL, ETAL
	Date of Hearing/Closing: 3/6/07

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens & GEORGE ZAHNER Ladies and Gentlemen

were posted conspicuously on the property located at #9805

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law

The sign(s) were posted on

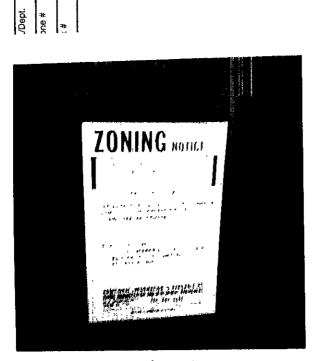
PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666:5366 ; CELL: 410-905-8571 (Telephone Number)



Phone #

From

7671

st-it® Fax Note

#9805 YOEK RD.

PAYENT ACTUAL THE STALL BY STA 250, 40 CK. 00. 05. 00. bolthwore Country, Maryland CASHIER'S VALIDATION Commission of the state of the state of 4125 0519-900-TAKEN BY: ITEM # No. AMOUNT \$ 250.00 HOME CATHOLIC REVIEW TOURS ACCOUNT UD! BALTIMORE COUNTY, MARYLAND 9805 YORK RD. OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT 020 VARIANICE PINK - AGENCY DATE 12-21-01 DISTRBUTION WHITE - CASHIER

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

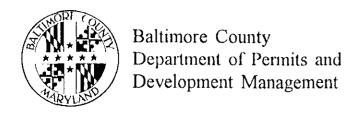
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number: O2-268-A	
Petitioner: MINI ROEDER VAUGHAN	
Address or Location: 9805 YORK ROAD	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: MIMI ROEDER VAUGHAN	
Address: 1807 THORTON RIDGE RD	
BALTIMORE MD 21030	
Telephone Number: 410 -667-6090	



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

January 30, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-268-A

9805 York Road

E/S York Road at the distance of 59.96' N of Gibbons Avenue

8th Election District – 4th Councilmanic District

Legal Owner: Mimi Roeder Vaughan

<u>Variance</u> to allow a rear yard setback of 6 feet, more or less, in lieu of the required 20 feet.

HEARING: Wednesday, March 6, 2002 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon らって Director

C: Mimi Roeder Vaughan, 1807 Thorton Ridge Road, Baltimore 21030 Brian Dietz, Gerhold Cross & Etzel, 320 E Towsontown Blvd, #100, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 19, 2002.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 19, 2002 Issue - Jeffersonian

Please forward billing to:

Mimi Roeder Vaughan 1807 Thorton Ridge Road Baltimore MD 21030

410 667-6090

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-268-A

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E/S York Road at the distance of 59.96' N of Gibbons Avenue

8th Election District – 4th Councilmanic District

Legal Owner: Mimi Roeder Vaughan

<u>Variance</u> to allow a rear yard setback of 6 feet, more or less, in lieu of the required 20 feet.

HEARING: Wednesday

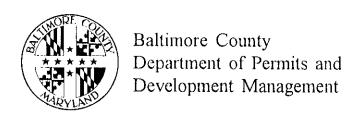
Wednesday, March 6, 2002 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT GDZ ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

March 1, 2002

Mimi Roeder Vaughan 1807 Thorton Ridge Road Baltimore MD 21030

Dear Ms. Vaughan:

RE: Case Number: 02-268-A, 9805 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 21, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richard, Jr.

W. Carl Richards, Jr. らりこ Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Brian Dietz, Gerhold Cross & Etzel Ltd, 320 Towsontown Blvd, #100
 Towson 21286
 People's Counsel



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

January 31, 2002

Department of Permits and Development Management (PDM) County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 28, 2002

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

263, 267, 268, 270, 271, 273, 274, 275, 276, 278, 279, 280, 282, 283, 284, 287, 289, 290,

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary

Parker F. Williams Administrator

Date: 1.29.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 268 JRF

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 45. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

P. J. Dull

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

fle 3/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

FEB 2 7 21102

DATE: February 27, 2002

SUBJECT:

9805 York Road

INFORMATION:

Item Number:

02-268

Petitioner:

Mini Roeder Vaughan

Zoning:

BL-CCC

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided a landscape plan is submitted to this office for review and approval prior to the issuance of any building permits. Said landscape plan should include evergreen/opaque screening along the rear lot line.

Prepared by:

Section Chief:

AFK/LL:MA(

\$10

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 28, 2002

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for February 4, 2002

Item Nos. 263, 264, 265, 267, 268) 269, 270, 271, 272, 273, 274, 275, 276, 278, 279, 280, 281, 282, 283, 284, 285, 286,

287, 288, 290 and 292

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:cab

cc: File

ZAC-2-4-2002-NO COMMENT-02282002.doc

3/6

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

Todd Taylor

DATE:

March 1, 2002

Zoning Advisory Committee Meeting of January 28, 2002

SUBJECT: NO COMMENTS for the FOLLOWING ZONING ITEMS:

263 - 265, 268) 271, 272, 275 - 277, 279 - 281, 283, 284, 286, 287, 290 - 292

Agricultural Preservation is still reviewing Zoning Items: 270, 273, 278, and 288.

RE: PETITION FOR VARIANCE 9805 York Road, E/S York Rd, 59.96' N of Gibbons Ave 8th Election District, 4th Councilmanic

Legal Owner: Mimi Roader Vaughan Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-268-A

* * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

Peter May Timmeiman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Brian Dietz, Gerhold, Cross & Etzel, 320 E. Towsontowne Blvd., Suite 100, Towson, MD 21286, representative for Petitioners.

PETER MAX ZÍMMERMÁN

PLEASE PRINT CLEARLY

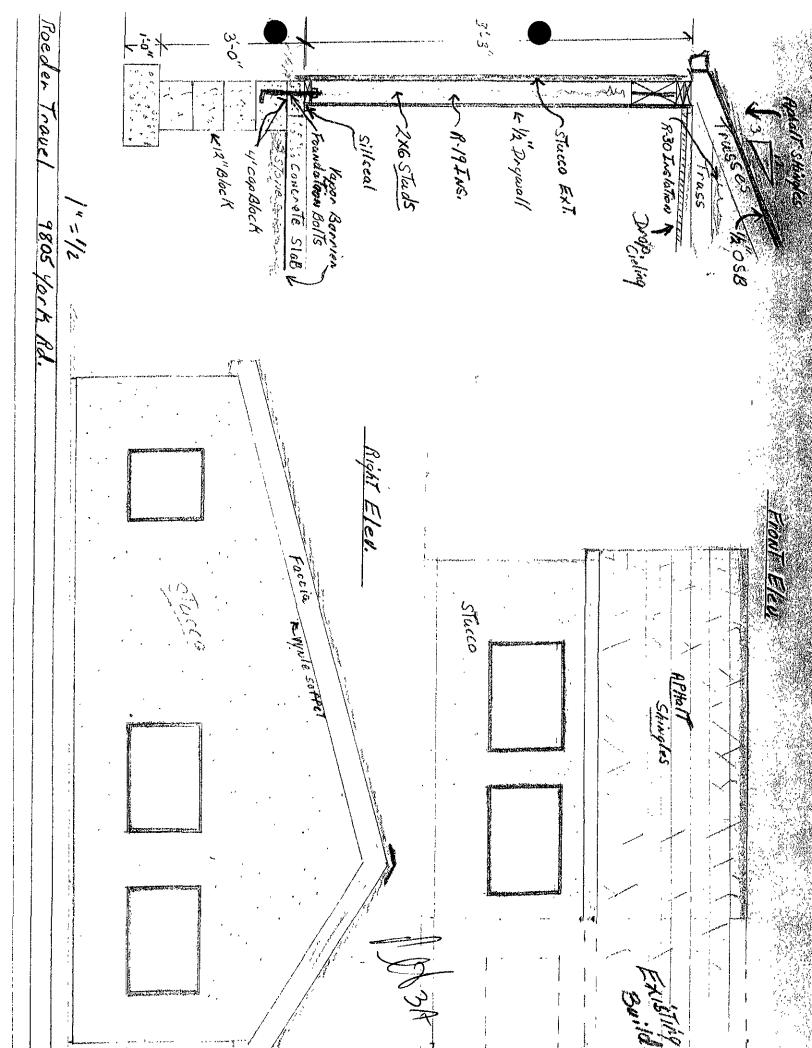
PETITIONER(S) SIGN-IN SHEET

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s mako's Resterant Roeder Irave - 53-0" Eut. Addition 4805 York Rd. 110'-0" 32-0' 18 Told 18 Tol side wolk. Parcel # 1700-012996 York Rd. (Parking Front 520" 201 Sec Zoned BK-CCC

Petiteoser's lx. 2 (14 photos) 02-268-A

